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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/343,823 06/30/99 BYERS

C 27-5-3-4-130

EXAMINER

WM01/1004
DOCKET ADMINISTRATOR RM 3C 512
LUCENT TECHNOLOGIES INC
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MURRAY HILL NJ 07974-0636

ART UNIT	PAPER NUMBER
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2683

DATE MAILED:

10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/343,823

Applicant(s)

BYERS ET AL.

Examiner

DANH C LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-5, 7-9, 15-17, 18-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al (US 6,292,838).

As to claim 1, Liao teaches a telecommunications network (figure 1) comprising:
an originating system (108) connected to a terminating system (106) via at least one other network element (104); and

a network element (104) equipped with a processor (col.4, lines 38-40) for transmitting a message to the terminating system (106) indicating that a transmission was received over an insecure link (col.11, lines 20-40).

As to claim 2, Liao teaches the telecommunications network of claim 1 further comprising the terminating system alerting a called station of the insecure nature of the transmission upon receipt of the insecure message (col.11, lines 20-40).

As to claim 3, Liao teaches a telecommunications network of claim 1 further comprising the originating system alerting a calling party of the insecure link (col.11, lines 34-40).

As to claim 4, Liao teaches a method for providing secure transmissions in a telecommunications network (figure 1) comprising the steps of:

establishing a route from a sender (100) to a recipient (102);
determining whether at least a portion of the route includes an insecure link (figure 5, 510); and
providing an alert of the insecure nature of the transmission upon the determination that the route includes an insecure link (col.11, lines 20-40).

As to claim 5, Liao teaches the method of claim 4 further comprising the step of:
completing a call after the alert has been provided (figure 5, steps 510-516).

As to claim 7, Liao teaches the method of claim 4 wherein providing an alert includes issuing a message on an identification display (col.3, lines 4-11).

As to claim 8, Liao teaches the method of claim 4 further comprising the sender receiving an insecure link warning prior to connection to the recipient (col.11. lines 20-40).

As to claim 9, Liao teaches the method of claim 4 wherein the alert is provided to the sender (figure 5, steps 504-506).

As claim 15, Liao teaches a method for processing a request for a telecommunications connection (figure 5) comprising the steps of:

receiving a request (502) to establish a portion of a route between parties, the request including a security protocol;

determining whether the route would include an insecure link (step 510); and

upon a determination that an insecure link exists, sending a security alert message (step 516).

As to claim 16, Liao teaches the method of claim 15 further comprising establishing a portion of a route without sending a security alert message (figure 4A-4B, steps 400-414).

As to claim 17, Liao teaches the method of claim 15 further comprising sending a security status request (figure 4A-4B, steps 412-426).

As to claim 18, Liao teaches telecommunications system (figure 1) comprising:
means for interconnecting a caller to a called party (102,110); and
means for alerting the caller or called party when a call path is using at least one insecure link (figure 5, 512 or col.11, lines 12-16).

As to claim 19, Liao teaches the telecommunications system of claim 18 wherein the call path traverses a packet data network (col.4, lines 38-40).

As to claim 20, Liao teaches the telecommunications system of claim 18 further comprising means for determining whether an insecure link has been traversed (col.11, lines 16-20).

As to claims 21, Liao teaches the telecommunications system on claim 18 further comprising means for issuing insecure link alert signals to other elements in a telecommunications network (col.11, lines 16-28).

As to claim 23, Liao teaches the telecommunications system of claim 18 wherein the call path traverses a cell network (figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 6,10-12,14, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Zicker et al (US 5,862,475).

As to claims 6, 10-12,14, 22 and 24, Liao teaches a method for providing security transmissions in communication network on claim 4 above. Liao fails to teach an alert in the system above including a distinctive ring at the recipient's station, an audible voice message, an audible tone, providing a periodic alert, a query screen on a

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personal computer, warning signals throughout the call and special parameters for a particular subscriber. Zicker teaches an alert in the system above including a distinctive ring (col.3, 13-20) at the recipient's station, an audible voice message (co.39, lines 42-47), an audible tone (col.40, lines 57-62), providing a periodic alert (col.14, lines 34-38), a query screen (col.24, lines 35-44) on a personal computer, warning signals throughout the call (col.40, line 55-col.41, line 10) and special parameters for a particular subscriber (col.15, lines 5-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zicker into the system of Liao in order to provide a variety of mechanism for alerting the caller or recipient of the insecure nature.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao et al (US 6,292,833).

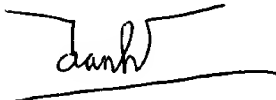
As to claim 13, Liao teaches a method for providing secure transmissions in a telecommunications network on claim 4 above. Liao fails to teach that the system issues an alert when a previously secure route becomes insecure. However, it is obvious that when the network site is insecure, then the network site will be denied by the system and an alert message will be issued. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide alert message when a previously secure route becomes insecure into the system of Liao in order to alert the mobile user when a previously secure route becomes insecure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-802-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Danh Le
September 30, 2001

Lee Nguyen
Primary Examiner

